

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	23cr88(HG)
Plaintiff,	:	
-against-	:	United States Courthouse
CHI WONG,	:	Brooklyn, New York
Defendant.	:	Friday, June 9, 2023
	:	11:00 a.m.
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TRANSCRIPT OF CRIMINAL CAUSE FOR A STATUS CONFERENCE
BEFORE THE HONORABLE HECTOR GONZALEZ
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

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1 (In open court.)

2 (The Hon. HECTOR GONZALEZ, presiding.)

3 (Defendant present.)

4 THE COURTROOM DEPUTY: This is criminal cause for a
5 status conference docket number 23CR88, *United States of*
6 *America versus Wong*.

7 Would the parties please state your appearances for
8 the record, starting with the Government.

9 MR. ESTES: Good morning, Your Honor. Andrew Estes
10 for the Government.

11 THE COURT: Good morning.

12 MR. ESKEW: Good morning, Judge. David Eskew from
13 Abe11 Eskew Landau LLP on behalf of the defendant Chi Wong,
14 who is seated to my right and is present in the courtroom.

15 THE COURT: Good morning. You can stay seated.

16 MR. ESKEW: Thank you.

17 THE COURT: I think this is our second appearance on
18 this. Is that right Mr. Estes?

19 MR. ESTES: Yes, Your Honor.

20 THE COURT: Okay. What's happened since the last
21 time?

22 MR. ESTES: Your Honor, since the last conference
23 the Government has provided additional and somewhat voluminous
24 materials in discovery to the defense including extensive
25 patient records relating to the pharmacy and the clinic, as

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1 well as other pharmacy and business records that have been
2 seized pursuant to search warrants and items from certain
3 electronics from individuals, electronic devices that have
4 been identified and provided to the defense. As I mentioned,
5 those are rather extensive materials, as well as making other
6 items available to the defense for its review and request.

7 THE COURT: All right. And, Mr. Eskew, where are
8 you in the review process?

9 MR. ESKEW: Judge, we have started to review them.
10 We would like some additional time from Your Honor to get
11 through those materials. As Mr. Estes said, they are somewhat
12 voluminous and specifically there are communications
13 involved -- some of which solved Mr. Wong and some of which do
14 not, but all of which are potentially relevant and we need
15 some time to get through that and with the Court's indulgence,
16 and I spoke to Mr. Estes beforehand, if we can get through the
17 summer months to try to get through that discovery, I think we
18 would be in a better position to give Your Honor an idea as to
19 where we are and to -- you know, an idea as to what motions
20 may be contemplated, if any.

21 THE COURT: Have there been any plea negotiations
22 Mr. Estes?

23 MR. ESTES: There have been initial ones. I don't
24 think they've gotten to the point yet that we have a good
25 sense of where we are with that. I think this discovery, as

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1 well as the Government has provided informal translations of
2 the foreign material as well to help counsel in understanding
3 some of the items. Hopefully we can come to a decision
4 relatively soon as to whether there's going to be a resolution
5 here.

6 THE COURT: Is that how you see it as well,
7 Mr. Eskew?

8 MR. ESKEW: Yes, Judge. We're certainly not in a
9 situation of a plea offer was denied. There were pre-charge
10 discussions and post-charge discussions and so now post
11 indictment we just need to get through those materials to
12 further inform our thinking.

13 THE COURT: Okay. Have you spoken with Mr. Neptune
14 about a date? I'm totally fine adjourning this until the
15 September date, but at that point if there hasn't been a
16 resolution or if it's not looking like there's going to be a
17 resolution, I will set a motion schedule at that point and
18 probably a trial date as well.

19 MR. ESKEW: Understood.

20 THE COURT: All right. So the date that I think
21 you've discussed with Mr. Neptune is September 7th at 11 a.m.
22 Does that sound right, Mr. Estes?

23 MR. ESTES: Yes, Your Honor.

24 MR. ESKEW: Good for the 7th.

25 THE COURT: Is there a motion under the Speedy Trial

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1 Act, Mr. Estes?

2 MR. ESTES: Yes, there is, Your Honor. In light of
3 the volume of the discovery as well as the fact that a
4 significant number of the documents including communications
5 with and about the defendant are in a foreign language, the
6 Government does believe that it will take additional time for
7 the defense to review those materials. We believe as they
8 review them, that additional plea negotiations will continue
9 at that point and the Government is of course open to having
10 those discussions with counsel over the summer.

11 THE COURT: And Mr. Eskew, do you consent to the
12 application?

13 MR. ESKEW: We consent, Your Honor.

14 THE COURT: Have you had an opportunity to discuss
15 with your client the significance of the Speedy Trial Act?

16 MR. ESKEW: Yes, Your Honor.

17 THE COURT: I am going to adjourn this matter until
18 September 7th at 11 a.m. for a conference. The period of time
19 from today through September 7th is excluded in computing time
20 under the Speedy Trial Act. I find that the ends of justice
21 outweigh the best interests of the defendant and the public in
22 a Speedy Trial because a failure to grant a continuance would
23 deny counsel for the defendant the reasonable time necessary
24 to review discovery and to consider what, if any, motions
25 might be necessary as a result of that review of the

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1 discovery.

2 I also find that the failure to grant the
3 continuance would deny the parties the reasonable time
4 necessary to continue to engage in plea negotiations. So, for
5 those reasons, I'm going to exclude time through September 7th
6 in the interests of justice.

7 Anything else, Mr. Estes?

8 MR. ESTES: No, Your Honor.

9 THE COURT: Mr. Eskew?

10 MR. ESKEW: No, Your Honor.

11 THE COURT: Thank you both. Have a good weekend and
12 I will see you September 7th or earlier if you need me.

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14 (Matter adjourned.)

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